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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
San Francisco Division11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 ROWLAND MARCUS ANDRADE,  
15 Defendant.

Case No. 20-cr-00249-RS (LB)

**DISCOVERY ORDER**

Re: ECF No. 256

17 This order addresses the parties' ongoing dispute about the production to the defense of an  
18 image of Alexander Levin's phone.<sup>1</sup> The court previously ordered its production.<sup>2</sup> The  
19 government then said that it could not produce information that was outside the scope of the  
20 search warrant<sup>3</sup> even though (seemingly inconsistently) it had offered to produce an image subject  
21 to an AEO designation.<sup>4</sup> Citing the full legal standards under *Brady v. Maryland*, 373 U.S. 83, 87  
22 (1983), and its progeny, and Federal Rule of Criminal Procedure 16(a)(1)(E), the court ordered the

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25 <sup>1</sup> Mot. – ECF No. 317; *see, e.g.*, Mot. – ECF No. 215 at 2; Orders – ECF Nos. 165, 250, 256. Citations  
26 refer to the Electronic Case File (ECF); pinpoint citations are to the ECF-generated page numbers at  
the top of documents.

27 <sup>2</sup> Order – ECF No. 165 at 11.

28 <sup>3</sup> Opp'n – ECF No. 220 at 4.

<sup>4</sup> *Id.* at 3.

1 government to produce an image of the phone.<sup>5</sup> Then, it reconsidered that approach in favor of a  
2 third-party subpoena to Mr. Levin in order to address the government's concern that it lawfully  
3 possessed only contents of the phone that were covered by the search warrant.<sup>6</sup>

4 That approach did not work: the government contacted Mr. Levin's former attorney, who said  
5 that he no longer represents Mr. Levin. The government believes Mr. Levin "may be outside of the  
6 United States."<sup>7</sup> The defense does not have an address to serve Mr. Levin with a subpoena for the  
7 devices, despite asking the government for it.<sup>8</sup> The government apparently asked Mr. Levin's  
8 lawyer more than eighteen months ago where it should send the devices, and the lawyer never  
9 responded. The defense's investigator tried to serve Mr. Levin, but the neighbors reported that he  
10 had moved.<sup>9</sup>

11 At this point, Mr. Levin seemingly has abandoned any interest in the contents of the phone. By  
12 Friday, August 23, 2024, absent any objection by Mr. Levin, the government must produce an  
13 image of the phone to the defense. The government must serve a copy of this order by email on  
14 Mr. Levin's former attorney, who presumably has contact information for Mr. Levin, including an  
15 email address. The court would appreciate it if that attorney would email Mr. Levin this order and  
16 file proof of service (through the government or the defense, who can handle the efilings). Mr.  
17 Levin's contact information must be provided to the defense, who also can serve a copy of this  
18 order and a subpoena by email (if Mr. Levin is out of the country) and then file proof of service  
19 (including a representation, if true, that the email did not bounce back). If Mr. Levin wants to  
20 object to the production of the image, he must do so by August 22, 2024.

21 **IT IS SO ORDERED.**

22 Dated: August 1, 2024



23  
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25 LAUREL BEELER  
26 United States Magistrate Judges

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28 <sup>5</sup> Order – ECF No. 165 at 11.

<sup>6</sup> Order – ECF No. 256.

<sup>7</sup> Opp'n – ECF No. 321 at 3.

<sup>8</sup> Dent Decl. – ECF No. 317-1 at 2 (¶ 3).

<sup>9</sup> *Id.* at 3 (¶ 6).